Scots. II.—27—100,000—21-4-25.

(195) Department.

MS SERIES.

G.O. No. 2295

Dated

[Despatch Abstract.]

FOOD AND AGRICULTURE DEPARTMENT

G.O. No. 2295, 7th December 1950

Acts and Rules—Cotton Transport Act, 1923 (Central Act III of 1923) Revised rules under section 7 of the Act—Issued.

READ—the following papers :—

G.O. Ms. No. 1571, Development, dated 19th September 1928 (as subsequently amended).
G.O. Ms. No. 6049, Development, dated 8th December 1948.
Memorandum No. 5520 A. II/49-1, Development, dated 1st February 1949.
From the Director of Agriculture, dated 24th March 1949, No. D. Dis. C.2. 275/49.
From the Director of Agriculture, dated 6th February 1950, No. C.2. 717/49.
Memorandum No. 139745-K/50-18, Food and Agriculture, dated 8th August 1950.

Order—No. 2295, Food and Agriculture, dated 7th December 1950.

The notification appended to this order will be published in the *Fort St. George Gazette*.

2. It will also be published in Tamil, Telugu and Kannada in the village sheet of the District Gazettes of the following districts :—

Anantapur, Cuddapah, Kurnool, Bellary, Chingleput, South Arcot, Chittoor, North Arcot, Salem, Coimbatore, Tiruchirappalli, Tanjore, Madurai, Ramanathapuram and Tirunelveli.

3. The Senior Translator to Government is requested to furnish the Superintendent, Government Press, with the requisite translations as early as possible.

4. The Director of Agriculture is requested to issue necessary instructions to subordinate officers for the proper working of the revised rules and submit a copy to Government. Their attention should also be invited to the revised rate of fee for the import of " Cotton waste " into the protected area.

(By order of His Excellency the Governor)

N. MURUGESA MUDALIAR,
Deputy Secretary to Government.

To the Superintendent, Government Press, for the publication of the notification in the *Fort St. George Gazette*.
,, the Senior Translator to Government (with 3 copies of notification).
,, the Director of Agriculture.
,, the Director of Industries and Commerce, Madras.
,, the Collector of Customs.
,, the General Manager, South Indian Railway.
,, the General Manager, Madras and Southern Mahratta Railway.
,, all Collectors.
,, the Legal Department.
,, the Development Department.
,, the Secretary to the Government of India, Ministry of Agriculture, New Delhi.
,, the Secretary to the Indian Central Cotton Committee, Bombay.
,, the Board of Revenue.
,, the Inspector-General of Police.
,, the Director of Controlled Commodities, Madras.
,, the Public Works (Information and Publicity) Department.

[Appendix

APPENDIX.

Notification under section 7 of the Cotton Transport Act, 1923 (Central Act III of 1923), as amended by the Cotton Transport (Amendment) Act, 1925 (Central Act XXXIV of 1925).

In exercise of the powers conferred by section 7 of the Cotton Transport Act, 1923 (Central Act III of 1923), and in supersession of the rules published with Development Department Notification No. 278, dated the 19th September 1928, at pages 1455–1461 of Part I of the *Fort St. George Gazette*, dated the 25th September 1928, as subsequently amended, His Excellency the Governor of Madras hereby makes the following rules:

Provided that the supersession of the rules aforesaid shall not affect any proceedings which have been already taken or which may hereafter be taken in respect of anything done or omitted to be done under the said rules:—

RULES.

(1) *Licensing authority—Form of application for a licence for the import of cotton into the protected areas.*—Licences for the import of cotton by rail, road, river or sea into the protected areas shall be granted by the Director of Agriculture, Madras, or such other officer as may be authorized by him in this behalf and application shall, be made to that officer in Form A hereto annexed. Every applicant shall specify in his application the number of bales or maunds of cotton needed by him which shall be estimated having regard to the quantity in his possession in the past and his future requirements. He shall under no circumstances import a quantity in excess of that specified in the licence.

(2) No cotton of which the import has been prohibited by or under section 3 of the Cotton Transport Act, 1923, as amended by Central Act XXXIV of 1925, shall be imported into a prohibited area by rail, road, river or sea save under and in accordance with the conditions of a licence issued as provided by these rules.

(3) *Licences for import of cotton for manufacture and export.*—(i) Annual licences for import by rail shall be granted to manufacturers and exporters carrying on business within the protected area for the import of cotton of such quantity and kind as may be specified in the licence from outside such area for manufacture in the mill or mills specified in the licence and export to any port or ports in or outside India provided it or they is or are not in a protected area. Such licences shall be in Form B hereto annexed and shall be subject to the conditions stated therein.

(ii) A certified copy of such licences in Form C hereto annexed shall be tendered with each consignment at the despatching station and shall accompany the railway invoice to the station of delivery and shall then be forwarded by the railway authority concerned to the railway audit office for despatch to the Secretary, Indian Central Cotton Committee.

(iii) Every licensee shall maintain registers in Form H hereto annexed in which shall be entered the numbers of such certified copies together with the date of import, the quantity and description of cotton imported on each certified copy and the place or places from which such cotton has been imported. These registers shall always be open for inspection by the Director of Agriculture or his authorized subordinate not below the rank of Agricultural Demonstrator. The licensees shall also submit to the Director of Agriculture a return in Form I hereto annexed not later than the 10th of every month containing particulars of all cotton imported during the preceding month.

(iv) The licence shall be returned to the licensing authority within one month after the expiration of the period for which it is granted together with all unused certified copies of the licence and a statement showing details of the consignment or consignments imported during the year in Form J hereto annexed.

(4) *Licence for particular consignment by rail.*—(i) A single licence to cover only one consignment may be granted to such persons as can satisfy the licensing authority that it is necessary to import cotton of a specified quantity and kind by rail into the protected area. Such licences shall be in Form D hereto annexed and shall be subject to the conditions stated therein.

(ii) Such licence shall be surrendered at the station of delivery to the station-master or other railway servant responsible for the receipt and delivery of goods and parcels at the time of taking delivery of the cotton covered by the licence who shall forward it to the licensing authority.

(iii) A certified copy of such licence in Form E hereto annexed shall be tendered with each consignment at the despatching station and shall accompany the railway invoice to the station of delivery and shall then be forwarded by the railway authority concerned to the railway audit office for despatch to the Secretary, Indian Central Cotton Committee.

(5) *Licence for particular consignment by sea.*—(i) A single licence to cover only one consignment may be granted to such persons as can satisfy the licensing authority that it is necessary to import cotton of a specified quantity and kind by sea into the protected area. Such licences shall be in Form F hereto annexed and shall be subject to the conditions stated therein.

(ii) Such licence shall be delivered at the place specified by the licensing authority to the officer mentioned in the licence, who shall forward it to the licensing authority.

(6) *Licence for particular consignment by road.*—(i) A single licence to cover only one consignment may be granted to such persons as can satisfy the licensing authority that it is necessary to import cotton of a specified quantity and kind by road and river into the protected area. Such licence shall be in Form G hereto annexed and shall be subject to the conditions stated therein.

(ii) Such licence shall be delivered at the place specified by the licensing authority to the officer mentioned in the licence, who shall forward it to the licensing authority.

(7) *Power to search vehicle and seize cotton not covered by a licence.*—Any police officer in uniform not below the rank of Head Constable who has reason to believe that any cotton not covered by a licence is carried in a vehicle, vessel or on a pack animal may stop and search the vehicle, vessel or the load on such pack animal and seize any cotton carried in such vehicle, vessel or on such pack animal which is not covered by a licence or require the driver of such vehicle or pack animal to drive the same to the nearest police station for the purpose of seizing any cotton carried in such vehicle or pack animal which is not covered by a licence. In the case of a vessel, the police officer may require the driver of the vessel to arrange for the immediate transport of the cotton carried in such vessel to the nearest police station for the purpose of satisfying himself that no cotton which is not covered by a licence is carried in such vessel and for the purpose of seizing any cotton carried in such vessel which is not covered by the licence. The police officer seizing the cotton shall prepare a list of the cotton seized and deliver a copy of such list to the driver of the vehicle, vessel, or pack animal as the case may be.

(8) *Duty of driver to stop the vehicle, vessel or pack animal or drive the same to the police station in certain cases.*—The driver of any vehicle or pack animal shall cause such vehicle or pack animal to stop and remain stationary, or drive the same to the nearest police station, when required to do so by any police officer in uniform not below the rank of Head Constable for the purpose of satisfying himself that no cotton which is not covered by a licence is carried in such vehicle or in load on such pack animal, and for the purpose of seizing any cotton carried in such vehicle or on such pack animal which is not covered by a licence. The driver of such vehicle or pack animal shall not remove the cotton from the vehicle or pack animal at the place where the vehicle or pack animal remain stationary or from the police station to which it has been driven until permitted to do so by such police officer. The driver of any vessel plying on river shall cause the vessel to stop and remain stationary, and arrange for the immediate transport of cotton carried therein to the nearest police station when required to do so by any police officer in uniform not below the rank of Head Constable for the purpose of satisfying himself that no cotton which is not covered by a licence is carried in such vessel, and for the purpose of seizing any cotton carried therein which is not covered by a licence. The driver of such vessel shall not remove the cotton from the vessel at the place where the vessel remained stationary or from the police station to which cotton has been transported until permitted to do so by such police officer. The driver of the vehicle shall not remove it from the place where it remains stationary or from the police station to which it has been driven until permitted to do so by such police officer.

(9) *Separate licences to be issued for different kinds of cotton—Cotton.*—Separate licences shall be issued for different kinds of cotton, that is to say, for ginned cotton, unginned cotton (kapas), cotton waste and cotton seed.

(10) The licensing authority may require the inspection of any consignment of cotton by an officer of the Agricultural Department before the grant of licence for the import of the consignment into a 'protected area'. The Officer aforesaid will not be deputed for inspection outside the limits of the State. The rates for such inspection shall be as follows:—

(i) Ginned cotton—Rupee one per bale of 400 lb. or part thereof.

(ii) Unginned cotton—Rupees two per bale of 800 lb. or part thereof.

(iii) Cotton seed—Annas eight for every 1,000 lb. or part thereof.

(iv) Cotton waste—Annas four per bale of 500 lb. or part thereof.

Provided that the levy of fees for the inspection of ginned or unginned cotton and cotton seed shall be subject to a minimum of Rs. 100 in respect of each inspection irrespective of the number of varieties of cotton inspected.

(11) *Penalty.*—Any contravention of these rules or of the conditions of any licence granted hereunder, not otherwise punishable under the said Act, shall be punishable on conviction by a Magistrate with fine which may extend to ten thousand rupees.

ANNEXURE.

FORM A.

Application for licence.

(*See* rule 1.)

To

The Director of Agriculture,
Madras.

Sir,

I/We, the undersigned, hereby beg to apply for a *general single* licence under the Cotton Transport Act, 1923 (Central Act III of 1923), available for the period [1] for the importation by rail/road/river/sea of *not exceeding* [2] bales/maunds * of [state *here* whether ginned cotton, unginned cotton (kapas), cotton waste or cotton seeds] into the protected area known as [3] notified in the Government Notification, Development Department, No. 278, dated the 19th September 1928, as subsequently amended at [4] station from [5] for the purpose of *manufacture in licensee's mill or mills only/export by the licensee* to [6] I/we so beg to apply for a certified copy of the licence (as required by the said Act).

2. I/We declare that such ginned cotton/*unginned cotton* (kapas)/cotton waste/cotton seeds is required *only* for the purpose aforesaid and will not be *sold or delivered or transferred either in whole or in part to any other party*, save under the instructions of the licensing authority. Reasons why importation is necessary [7]

3. I/We undertake

(1) in the event of the ginned cotton/kapas/cotton waste/cotton seed imported under the said licence proving unsuitable for the purpose for which it is imported *not to sell or deliver or transfer in whole or in part to any other person, but* to report the matter to the licensing authority and to await his approval to its disposal otherwise before allowing such ginned cotton/kapas/cotton waste/cotton seed to leave my/our premises;

(2) that under no circumstances will I/we allow ginned cotton/kapas/cotton waste imported under the said licence to be used for mixing with, or adulteration of, ginned cotton/kapas/cotton seed/cotton waste produced in the protected area for re-export, nor will I/we allow it to be re-exported under a misdescription;

(3) to return the said licence *and all unused certified copies of the same within one month after the expiry* of the period for which it is granted to the licensing authority together with such details as *are prescribed in Form J annexed hereto regarding* the ginned cotton/kapas/cotton waste/cotton seed imported under *the licence* and of its subsequent disposal.

Dated

at Signed

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* Maund = 82-2/7 lb.

[1] *Here specify the date from which and up to which the permission is asked for.*

[2] *Here enter the actual number of bales* (400 *lb. each*) *or maunds* (82-2/7 *lb. each*) *required to be imported*

[3] *Here enter the name of the protected area.*

[4] Here enter the *name* of the station to which it is proposed to import the cotton

[5] Here enter the *name* of the station from which it is proposed to book the cotton in the case of a single licence.

[6] *Here specify the port or ports to which the cotton is proposed to be exported.*

[7] Reasons should be clearly stated why such cotton is proposed to be imported, since licences are issued only in cases of proved necessity.

In the case of applications for licences for import by sea, the form should be modified as may be necessary.

Instructions.

(*a*) The Cotton Transport Act, 1923, does not impose any general restriction on cotton transport but only on transport into specified areas (notified by the State Government for protection) by rail, road, river and sea or by one or more of such routes. The prohibition applies to kapas, ginned cotton and cotton waste in the Northerns and Westerns area, the Cambodia area and the Tirunelveli area, and to cotton seed in the Tirunelveli area. Except in Tirunelveli area, importation into which from the 1st December of each year to the 31st May of the following year is permitted only in the discretion of the licensing authority, cotton seed is allowed to be transported freely without restriction in the Northerns and Westerns area

and the Cambodia area. The notification includes a schedule of railway stations in the protected area to which it refers. Licences are only required by concerns —situated within the limits of a protected area. Licences granted under the Cotton Transport Act are available for the importation of cotton from anywhere in India but only to the stations specified. Separate licences are required for the import of each of the specified kinds of cotton, viz., unginned cotton (kapas), ginned cotton, cotton waste and cotton seeds.

(*b*) Stationmasters or other railway servants responsible for the booking of goods or parcels at all stations in India are empowered by section 4 of the Act to refuse to book cotton to a notified station in a protected area unless a certified copy of the licence is handed in when the cotton is tendered for booking. Each consignment requires a separate certified copy which will accompany the railway invoice to destination.

(*c*) Stationmasters or other railway servants responsible for the receipt and delivery to the consignee of goods and parcels at notified stations are required by section 5 of the Act to refuse delivery of cotton from outside the protected area (which is defined by a list of stations) unless accompanied by a certified copy of the licence (or unless the original licence) is produced.

(*d*) Importation of cotton by road or river into a protected area being prohibited save under licence, any vehicle, vessel or pack animal suspected to be carrying cotton into a protected area could be detained by a police officer in uniform not below the rank of Head Constable who should satisfy himself that the consignment is covered by a licence issued under the Act by the competent authority.

(*e*) Paragraph 2 in the application form corresponds to the condition of the licence against the misuse of cotton imported under licence.

(*f*) The protected areas notified in the State of Madras are those contained in Development Department Notification No. 278, dated 19th September 1928, as subsequently amended.

(*g*) Officers of the Agricultural Department should be on the look out for movements of cotton by road or river into protected areas and should pass on such information to police stations situated at points of entry into the protected areas.

(*h*) The Director of Agriculture should from time to time give wide circulation to the provisions of the Act by broadcasting hand bills at those centres which are proved to be the sources of inferior cotton used for adulteration in a protected area.

FORM B.

Annual general licence (for manufacturers and exporters).

(*See* rule 3.)

No. [1] of 19 .

Under the Cotton Transport Act, 1923 (Central Act III of 1923), the [2] Mills/Company, carrying on business within the protected area known as [3] notified in Government Notification, Development Department, No. 278, dated the 19th September 1928, as subsequently amended are hereby granted a general licence under section 3 of the said Act for the period February 1, 19 to January 31, 19 to import by rail *not exceeding* [4] bales/maunds of [5] to [6] station *exclusively* for the purpose of manufacture *in the licensee's mills only*/export to any port or ports in or outside India provided it or they is or are not in a protected area subject to the following conditions:—

(*a*) A certified copy of this licence shall be tendered with each consignment at the despatching station.

(*b*) *Either all or any portion of the* cotton imported under this licence *for the sole purpose of my/our manufacture*/exports shall not be *sold or delivered or transferred to any other party* save under instructions of the licensing authority.

(*c*) *This licence shall be returned within one month after the expiration of the period for which it is granted together with all unused certified copies of the licence to the licensing authority.*

(Signed)

Dated *Licensing Authority.*

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[1] *Here the licensing authority should specify the serial number of the licence granted by him.*

[2] *Here enter the name of the mill or company.*

[3] *Here enter the name of the protected area.*

[4] *Here enter the actual number of bales* (400 *lb. each*) *or maunds* (82-2/7 *lb. each*) *proposed to be imported.*

[5] Here enter ginned cotton or kapas or cotton waste or cotton seeds that is proposed to be imported.

[6] *Here enter the name of the station to which the cotton is proposed to be imported.*

FORM C.

This certified copy should accompany the invoice to the railway audit office and should be despatched from there to the Secretary, Indian Central Cotton Committee, Bombay.

Certified copy of general licence (for manufacturers and exporters) to be tendered at the despatching station.

(*See* rule 3.)

Licence No. [1] 19 .

Copy No. [2] under the Cotton Transport Act, 1923 (Central Act III of 1923), the [3] Mills/Company carrying on business within the protected area known as [4] notified in Government Notification, Development Department, No. 278, dated the 19th September 1928, as subsequently amended are/is hereby granted a general licence under section 3 of the said Act for the period February 1, 19 to January 31, 19 to import by rail *not exceeding* bales/maunds of [6] to [7] station for the purpose of manufacture *in licensee's mills only*/export to any port or ports in or outside India provided it or they is or are not in a protected area subject to the following conditions:—

(*a*) A certified copy of this licence shall be tendered with each consignment at the despatching station.

(*b*) *All or any portion of the* cotton imported under this licence shall not be used except for the purposes stated above *sold or delivered or transferred to any other party* save under instructions of the licensing authority.

(*c*) *Within one month after the expiration of the period of this licence, the licensee shall return to the licensing authority this licence together with all unused certified copies of the licence.*

Name of consignor (Signed)
Licensing Authority.

Number of bales/maunds of cotton

Description of cotton (Signature of consignor)

Dated 19 . (Signature of Stationmaster)

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[1] *Here enter the serial number of the general licence.*
[2] *Here enter the serial number of the certified copies for each general licence.*
[3] *Here enter the name of the Mills or Company.*
[4] *Here enter the name of the protected area.*
[5] *Here enter the number of bales* (400 *lb. each*) *or maunds* (82-2/7 *lb. each*).
[6] Here enter ginned cotton, kapas, cotton waste, cotton seeds whichever is proposed to be imported.
[7] *Here enter the name of the station to which the cotton is proposed to be imported.*

FORM D.

Single licence for consignment by rail.

(*See* rule 4.)

Under the Cotton Transport Act, 1923 (Central Act III of 1923), Messrs./Sri are/is granted a licence available up to to import to station situated in the protected area known as notified in Government Notification, Development Department No. 278, dated the 19th September 1928, as subsequently amended, *not exceeding* bales/maunds of * from (station) for the purpose of *manufacture in the licensee's mills only/export to any port or ports in or outside India provided such port or ports is or are not in a protected area.*

This licence is only valid for one consignment and shall be surrendered to the undersigned, duly endorsed by the stationmaster of the station of delivery or other railway servant responsible for the receipt and delivery of goods and parcels at the station on the arrival of the consignment.

(*a*) A certified copy of this licence shall be tendered with the consignment at the despatching station.

(*b*) Cotton imported under this licence shall not be used except for the purposes stated above *and shall not be sold or delivered or transferred either in whole or in part* save under instructions of the licensing authority.

(Signed)
Licensing Authority.

Dated 19 .

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* State whether ginned cotton, cotton waste, kapas or cotton seeds.

FORM E.

This certified copy should accompany the invoice to the Railway Audit Office and should be despatched from there to the Secretary, Indian Central Cotton Committee, Bombay.

Certified copy of single licence in Form D.

(*See* rule 4.)

Licence No. of 19 . Under the Cotton Transport Act, 1923 (Central Act III of 1923), Messrs./Sri are/is granted a licence available up to to import to (station), situated in the protected area known as notified in Government Notification, Development Department, No. 278, dated the 19th September 1928, as subsequently amended, *not exceeding* bales/maunds of * from (station) for the purpose of *manufacture in the licensee's mills only/export to any port or ports in or outside India provided such port/ports is or are not in a protected area.*

This licence is only valid for one consignment and shall be surrendered to the undersigned, duly endorsed by the Stationmaster of the station of delivery or other railway servant responsible for the receipt and delivery of goods and parcels at the station on arrival of the consignment:—

(*a*) A certified copy of this licence shall be tendered with the consignment at the despatching station.

(*b*) Cotton imported under this licence shall not be used except for the purposes stated above, *and shall not be sold or delivered or transferred either in whole or in part*, save under instructions of the licensing authority.

(Signed)

Licensing Authority.

Name of consignor.

Number of bales.

Description of cotton.

Signature of the consignor.

Signature of the Stationmaster.

Dated 19 .

* State whether ginned cotton, cotton waste, kapas or cotton seeds.

FORM F.

Single licence for consignment by sea.

(*See* rule 5.)

Under the Cotton Transport Act, 1923, Messrs./Sri are/is granted a licence to import to situated in the protected area known as notified in Government Notification, Development Department, No. 278, dated the 19th September 1928, as subsequently amended, *not exceeding* bales/maunds of * from for the purpose of *manufacture in the licensee's mills only/export to any port or ports in or outside India provided such port/ports is or are not in a protected area.*

This licence is only valid for one consignment and shall be surrendered to the officer in charge of the Port at on arrival of the consignment.

Cotton imported under this licence shall not be used except for the purposes stated above, *and shall not be sold or delivered or transferred either in whole or in part*, save under instructions of the licensing authority.

(Signed)

Licensing Authority.

* State whether ginned cotton, cotton waste, kapas or cotton seeds.

FORM G.

Single licence for consignment by road and/or river

(*See* rule 6.)

Under the Cotton Transport Act, 1923, Messrs./Sri are/is granted a licence to import to situated in the protected area known as notified in Government Notification, Development Department, No. 278, dated the 19th September 1928, as subsequently amended, *not exceeding* bales/maunds of * from for the purpose of *manufacture in the licensee's mills only/export to any port or ports in or outside India provided such port/ports is or are not in a protected area.*

* State whether ginned cotton, cotton waste, kapas or cotton seeds.

This licence is only valid for one consignment and shall be surrendered to the officer in charge of the Police station at on arrival of the consignment.

Cotton imported under this licence shall not be used except for the purposes stated above, *and shall not be sold or delivered or transferred either in whole or in part,* save under instructions of the licensing authority.

(Signed)

Licensing Authority.

FORM H.

*Record of the import of cotton into the * protected area by Mills/Company.*

B. Licence number.	*Certified copy number.*	*Date of issue of licence to importer.*	*Station from where booked.*	*Station of delivery.*	*Date of arrival of cotton into protected area.*	*Quantity of cotton imported.*	*Description of cotton.*	*Disposal of the cotton.*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

* Here enter the name of the protected area.

FORM I.

*Report on the import of cotton into the * protected area by Mills/Company during the month of* 19 .

B. Licence number.	*Certified copy number.*	*Date of issue of licence to importer.*	*Station from where booked.*	*Station of delivery.*	*Date of arrival of cotton into protected area.*	*Quantity of cotton imported.*	*Description of cotton.*	*Disposal of cotton.*	*Balance of certified copies on hand.*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

* Here enter the name of the protected area.

FORM J.

*Report on the import of cotton into the * protected area by Mills/Company during the year ending February* 19 .

B. Licence number.	*Certified copy number.*	*Date of issue of licence to importer.*	*Station from where booked.*	*Station of delivery.*	*Date of arrival of cotton into protected area.*	*Quantity of cotton imported.*	*Description of cotton.*	*Disposal of cotton.*	*Number of unused certified copies returned.*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

* Here enter the name of the protected area.

June (19[illegible]

R. Thompson
Superintendent